

June 17, 2013

**VIA FOIA ONLINE**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
hq.foia@epa.gov

Re: Freedom of Information Act Request for Records Related to EPA's Derivation of  
a Reference Concentration for Libby Amphibole Asbestos: Full Cohort Data

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 et seq., as amended ("FOIA"), and the FOIA regulations promulgated by the U.S. Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2, I hereby request:

- 1) All data related to follow-up work and cohort updates for the cohort used in Rohs AM, Lockey JE, Dunning KK, Shukla R, Fan H, Hilbert T, Borton E, Wiot J, Meyer C, Shipley RT, Lemasters GK, Kapil V. 2008. Low-level fiber-induced radiographic changes caused by Libby vermiculite: a 25-year follow-up study. Am J Respir Crit Care Med 177:630-637 ("Libby vermiculite study").

This request encompasses all data collected through the present, including but not limited to:

- All chest X-ray and HRCT results;
  - All pulmonary function testing data, including but not limited to spirometry, diffusion, lung volume, and lung capacity studies; and
  - The updated or the most recent exposure matrix and best estimates of smoking data from 1980, 2004, and 2010, including details regarding the quantity of smoking.
- 2) All communications regarding the content of the above data, evaluation of the above data, or the status of the anticipated publication.

National Freedom of Information Officer  
June 17, 2013  
Page 2

- 3) All draft manuscripts that may discuss or interpret the above data.
- 4) All proposals, reports, contract award documents, and any other documents that relate to funding and expenditures associated with the development, evaluation, and publication of the above data.
- 5) A glossary of any of the terms and abbreviations used in the raw data provided in response to this request.

I am requesting this information because it is critical to EPA's ongoing development of a Reference Concentration ("RfC") for Libby Amphibole Asbestos, as set forth in EPA's August 2011 external review draft of the "Toxicological Review of Libby Amphibole Asbestos in Support of Summary Information on the Integrated Risk Information System." Without the requested data set and the accompanying evaluation, the public may be denied access to important information about the cohort from which EPA is deriving an RfC, and as a result the public cannot test critical and basic EPA assumptions, and will not have the opportunity to provide meaningful comments.

I understand that the requested data was developed by researchers at the University of Cincinnati with EPA funding. This data was due for publication in spring, 2012 and summer or fall, 2012 according to a January 31, 2012 representation by the researcher made to the EPA Scientific Advisory Board. (Attachment 1). Inexplicably, the data was never published and remains unavailable to the public, despite the researcher informing EPA that the referenced information is "instrumental in understanding the health risks associated with the Libby amphibole exposure."

There is reason to believe that EPA is in possession of some or all of the requested data. First, EPA may have received the draft studies for review. Second, EPA made a comment on February 6, 2012 regarding Dr. Lockey's upcoming publication that "We made a point to get that information for you to look at, and that includes spirometry data." (Attachment 2, transcript of Day 1 of the SAB deliberations regarding Libby amphibole asbestos IRIS assessment, p. 194).

Furthermore, in the event that EPA is not in possession of the requested data, EPA has an obligation pursuant to Section 36 of Office of Management and Budget Circular A-110 to obtain and produce the requested data. The withholding or unreasonable delay of publication should not serve as a basis for denying public access to data.

I understand that pursuant to EPA's FOIA regulations, I can expect a response to this request within 20 days of your receipt of this letter. If you have any questions regarding this request or need further information, please contact me at [jlham@bdlaw.com](mailto:jlham@bdlaw.com) or (410) 230-1333. Thank you for your prompt attention to this matter.

National Freedom of Information Officer

June 17, 2013

Page 3

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Jayni Lanham", with a long horizontal flourish extending to the right.

Jayni Lanham